

REQUEST FOR COURT ACTION / DIRECTION

TO: Honorable Stephen C. Robinson OFFENSE: Conspiracy to Possess with  
U.S. District Judge Intent to Distribute Crack (21 USC 846).

ORIGINAL SENTENCE: 21 months  
imprisonment, Four (4) years supervised  
release.

FROM: Joseph J. Lombardo SPEC. CONDITIONS: (1) Refrain from  
U.S. Probation Officer unlawful use of a controlled substances;  
(2) Drug testing and treatment; (3)  
Mental health treatment; (4) Access to  
requested financial information; (5)  
Payment of special assessment at the  
rate of \$25.00 per week upon  
commencement of TSR.

AUSA: TBD

RE: Michelle Campbell  
Docket # 07 CR 327 (SCR)

DATE OF SENTENCE: March 8, 2005

DATE: November 19, 2007

ATTACHMENTS: PSI X JUDGMENT X

REQUEST FOR: COURT DIRECTION X

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**NOTIFICATION OF NON-COMPLIANCE**

Michelle Campbell was sentenced by the Honorable Robert E. Payne of the Eastern District of Virginia to 27 months imprisonment followed by four (4) years supervised release on March 8, 2005. Your Honor accepted a Transfer of Jurisdiction on April 30, 2007.

Since her release from custody on April 11, 2006, Campbell has been supervised by the White Plains Office of the U.S. Probation Department. Upon her release from custody, Campbell was promptly referred by Sr. USPO Feliciano to a contract provider for mental health and substance abuse treatment. Campbell remained drug free for approximately three months until she tested positive for cocaine use on August 9, 2006, and August 15, 2006. In response to the positive urine specimens, the frequency of treatment and random urine collection was increased. Campbell remained drug free for

approximately four months. On December 19, 2006, Campbell tested positive for marijuana. The frequency of outpatient treatment was increased again while a suitable inpatient program was located by the Probation Department and the Westchester County Department of Social Services<sup>1</sup>. On February 13, 2007, Campbell was admitted to St. John's Riverside in Yonkers for detoxification and mental health crisis intervention. Upon completion of the detoxification, Campbell was immediately placed in a 30 day inpatient substance abuse treatment program and was successfully discharged on March 16, 2007. Campbell was then referred for intense daily outpatient substance abuse and mental health treatment. Campbell's case was transferred to USPO Lombardo in early April 2007, upon Sr. USPO Feliciano's retirement. Campbell appeared to be making progress toward her treatment goals, however she had a relapse on June 25, 2007, as she tested positive for cocaine. After meeting with her treatment provider it was decided that it would be detrimental to pull Campbell out of the program and place her in a long term residential program as this appeared only to be a lapse of judgement and her daughter will suffer as she is the single parent of a 13 year-old child. Campbell was informed that she was "given a break" and that next time she tests positive for the use of illicit substances, the Court would be notified.

Campbell remained drug free until admitting to using cocaine on October 18, 2007, and October 25, 2007. After meeting with Campbell and her treatment provider, it was very clear that Campbell has been using illicit substances to self medicate herself as she is suffering from severe mental health issues. Campbell was afforded the opportunity to remain in outpatient treatment while a suitable long term treatment program was located by the Probation Department and the Westchester County Department of Social Services. Campbell reported as directed for intake appointments with various inpatient programs. The Probation Department feels we have located a suitable long term inpatient mental health and substance abuse program in Delhi, New York. Placement into this program is tentatively planned for November 21, 2007, with Your Honor's endorsement. We have made it clear to Campbell that if she is unfavorably discharged from the program prior to completion, the Probation Department will initiate a violation of supervised release and recommend a custodial sentence to the Court. Campbell has made arrangements for a family member to become the legal guardian of her daughter while she is away at treatment.

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<sup>1</sup>Campbell is the recipient of public assistance, as such approval is needed by the Westchester County Department of Social Services prior to any inpatient placements or Campbell will be subject to a loss of benefits which directly affects her teenage daughter.

Although we recognize that Pursuant to 18 USC 3583(g), if the defendant is found to have possessed a controlled substance<sup>2</sup> or refused to comply with drug testing, the Court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3), we defer to 18 USC 3583(d)<sup>3</sup> in that we feel strongly that inpatient treatment is more appropriate and beneficial than a custodial sentence at this time. Therefore, we would respectfully recommend that Your Honor continue Michelle Campbell on supervision.

Based upon Campbell's instant offense and her continued drug use, probation would respectfully request that a SEARCH condition be added to allow more effective supervision of Campbell. A waiver of hearing to modify the conditions of supervised release was signed by Campbell and is attached for Your Honor's review.

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<sup>2</sup>U.S. v. Wirth, No. 99-1743, 2<sup>nd</sup> Circuit, use of narcotics amounts to possession thereof for the purpose of 18 USC 3583(g).

<sup>3</sup>The court shall consider whether the availability of appropriate substance abuse treatment programs, or an individual's current or past participation in such programs, warrants an exception in accordance with United States Sentencing Commission guidelines from the rule of section 3583(g) when considering any action against a defendant who fails a drug test."

We are seeking your endorsement on this matter and have enclosed the signed waiver for your review.

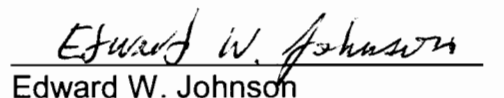
Respectfully submitted,

Chris J. Stanton  
Chief U.S. Probation Officer

By:

  
Joseph J. Lombardo  
U.S. Probation Officer  
914-390-4047

Approved by:

  
Edward W. Johnson  
Supervising U.S. Probation Officer



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
PROBATION OFFICE**

*Judicial Response*

☒

Allow Michelle Campbell to continue on supervision.

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Allow Michelle Campbell's conditions of supervised release be modified to include a SEARCH condition.

or

☐

Other \_\_\_\_\_  
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\_\_\_\_\_

  
Signature of Judicial Officer

  
Date